

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
JEFFERSON RIVER BASIN (41G)
PRELIMINARY DECREE

* * * * *

CLAIMANTS: 105 Trails End Lane LLC; BFR Family
Limited Partnership LLLP

OBJECTORS: 105 Trails End Lane LLC; BFR Family
Limited Partnership LLLP

COUNTEROBJECTOR: BFR Family Limited Partnership
LLLP

NOTICE OF INTENT TO APPEAR: BFR Family Limited
Partnership LLLP

CASE 41G-0398-R-2021

41G 30556-00

41G 30561-00

41G 30564-00

41G 30565-00

41G 30566-00

41G 197155-00

41G 197156-00

Split Claims:

41G 30159531

41G 30159532

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Claims 41G 30556-00, 41G 30564-00, 41G 30566-00, 41G 197155-00, and 41G 197156-00 were consolidated into Case 41G-0398-R-2021 to address the objections and issue remarks received by the claims. In a February 16, 2023 Motion, BFR Family Limited Partnership LLLP asked the court to include claim 41G 30565-00 in these proceedings because it has issues of law and fact in common with the other claims in this case. The Master agrees and originally intended to include 41G 30565-00 in these proceedings but omitted it due to oversight. Claim 41G 30565-00 is added to the case and the caption. Claim 41G 30561-00 did not receive any issue remarks or objections, but it was addressed in the parties' stipulation, so it is also added to the case and caption.

2. The parties, BFR and 105 Trails End Lane LLC, filed a Stipulation in this case on January 6, 2023. Some of the requested modifications required the submission of additional evidence, which was filed February 16, 2023. The Stipulation resolves the objections to the claims in this case and is supported by the information before the court.

Claim 41G 30556-00

3. Claim 41G 30556-00 is a stock claim that is owned by both Trails End and BFR. The parties request it be split between them. In the stipulation the parties indicated that the means of diversion for both points of diversion should be livestock direct from source. The requested places of use and points of diversion did not align with a typical livestock direct from source claim. Clarification was requested, and on March 27, 2023, the parties filed a Notice agreeing to slightly different terms for the split of claim 41G 30556-00 than were provided in the Stipulation.

4. The parties agree that both the parent claim and the child claim should be decreed with a point of diversion in the SWNESW, Section 27, 2S, 2W and the means of diversion should be identified as "flowing." Parent claim 41G 30556-00 will represent Trails End's portion of the claim with an additional point of diversion and place of use in the N2SW of Section 27, 2S, 2W to indicate where livestock drink directly from the source. Split claim 41G 30159531 will be generated to represent BFR's portion of the

claim with a point of diversion and place of use in the W2NE of Section 28, T2S, R2W to indicate where livestock drink directly from the source.

The requested split does not result in an increase to any of the claimed elements. The split request (as modified by the March 27, 2023 Notice) should be accepted by the court.

Claims 41G 30561-00, 41G 30564-00, and 41G 30565-00

5. The parties agree in the Stipulation that Trails End should be removed as an owner of claims 41G 30561-00, 41G 30564-00, and 41G 30565-00.

Additionally, the place of use for claims 41G 30564-00 and 41G 30565-00 should be reduced and refined to better reflect that the historical water use. The place of use should be modified from 180 maximum acres to the following:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
22.00	NWSE	28	2S	2W	MADISON
3.00	NWNESE	28	2S	2W	MADISON
5.00	NWSWSE	28	2S	2W	MADISON
65.00	W2NE	28	2S	2W	MADISON
8.00	SWSWSE	21	2S	2W	MADISON
20.00	E2NESW	21	2S	2W	MADISON
<u>5.00</u>	NESESW	21	2S	2W	MADISON
128.00					

6. The Stipulation indicates that a third point of diversion for the Honsinger Ditch in the NWNWSE of Section 28, 2S, R2W should be added to claims 41G 30564-00 and 41G 30565-00.

7. In support BFR attaches an affidavit of Nancy Zalutsky to its February 16, 2023 Filing. Nancy Zalutsky has experience and training as a water rights expert and has researched the claims in this case. Zalutsky reviewed historical air photos from 1947, 1954, 1976 and 1980. She affirms that the requested 128-acre place of use described above more accurately describes the water use for claims 41G 30564-00 and 41G 30565-00.

Zalutsky further provides that the second point of diversion for claims 41G 30564-00 and 41G 30565-00 incorrectly identifies the location of the headgate for the Boyer Ditch. The Boyer Ditch should be described as being in the SWSWSE of Section 21, 2S,

2W. The requested correction is consistent with how the Boyer Ditch point of diversion has been decreed in other water court cases (41G-0395-R-2021 and 41G-0396-R-2021).

In addition, Zalutsky indicates that a third point of diversion should be added to claims 41G 30564-00 and 41G 30565-00: the Honsinger Ditch in the NWNWSE of Section 28, T2S, R2W. In Support, Zalutsky provided a map depicting the place of use and the three points of diversion and indicates that the Honsinger Ditch was incorrectly omitted on the Statement of Claim forms for claims 41G 30564-00 and 41G 30565-00.

9. The Stipulation provides that the period of diversion for claims 41G 30564-00 and 41G 30565-00 should be modified from May 15 – October **15** to May 15 – October **19**. No support was provided for this modification. The claims were claimed on the Statement of Claim form with a May 15 – October 15 period of use and appeared in the 41G Preliminary Decree with a period of use and period of diversion May 15 – October 15. At one point, prior to the issuance of the 41G Preliminary Decree, the abstracts reflected a period of use ending October 19 due to a widespread database error. The error has been corrected. There is no support for the requested change; the period of diversion and period of use will remain May 15 – October 15.

10. Claims 41G 30564-00 and 41G 30565-00 received issue remarks that state the point of diversion and ditch name were modified as a result of DNRC review. The issue remarks have served their purpose of providing notice and should be removed from the claims.

Claim 41G 30566-00

11. The parties agree that the period of use and diversion should be modified from May 15 – October 15 to March 15 – October 30 and the claim should be split between BFR and Trails End.

In support of the requested modification to the period of use and period of diversion, Zalutsky indicates that she interviewed past and current ranch managers on the BFR property. It is Zalutsky's opinion that the requested period of use and period of diversion accurately describe the historical use of claim 41G 30566-00 and the growing season in the area.

Trails End will retain 0.95 cfs of the 2.5 cfs flow rate, the point of diversion for the Allen Ditch, and the following place of use:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
100.00	SE	28	2S	2W	Madison
<u>60.00</u>	N2SW	27	2S	2W	Madison
160.00					

Split claim 41G 30159532 will be generated to reflect BFR's portion of the claim. BFR will receive the remaining flow rate of 1.55 cfs, the points of diversion for the Carter Ditch and the Boyer Ditch and the following place of use:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
60.00	SE	28	2S	2W	Madison
20.00	E2SWNE	28	2S	2W	Madison
20.00	E2NWNE	28	2S	2W	Madison
80.00	E2NE	21	2S	2W	Madison
40.00	SEnw	21	2S	2W	Madison
20.00	E2E2SW	21	2S	2W	Madison
<u>20.00</u>	W2W2SE	21	2S	2W	Madison
260.00					

The stipulation indicates that the point of diversion listed for the Boyer Ditch should be corrected from the NWNWNE of Section 28, T2S, R2W to the SWSWSE of Section 21, T2S, R2W, which is supported by Zalutsky's affidavit and is consistent with the other water rights that claim Boyer Ditch as a point of diversion.

12. Claim 41G 30566-00 received the following DNRC issue remarks:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON SOUTH WILLOW CREEK WITH A PRIORITY DATE PREDATING CASE NO. 5591 , GALLATIN COUNTY.

SOURCE NAME, POINT OF DIVERSION, AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The purpose of both issue remarks is to provide notice to other water users of potential issues with the claim. The issue remarks themselves do not overcome the prima facie status of the claim. The necessary notice has been provided and the issue remarks should be removed.

41G 197155-00 and 41G 197156-00

13. The parties agree that the place of use for claims 41G 197155-00 and 41G 197156-00 should be increased from 131 acres to 219 acres. In support, Trails End attaches the affidavit of Kyle Mace to its February 16, 2023 Filing. Kyle Mace works for WGM Group and prepared a report of his review of claims 41G 197155-00 and 41G 197156-00.

Mace indicates that he reviewed aerial photos from 1947, 1972, 1980, and 1981. Based on his analysis of the four aerial photos, Mace asserts that 219 acres were historically irrigated under claims 41G 197155-00 and 41G 197156-00. Maps attached to Mace's report depict the requested modifications to place of use.

14. The parties agree the period of diversion and period of use for claims 41G 197155-00 and 41G 197156-00 should be modified from May 1 – July 15 to March 15 – October 30. In support, the sworn statement of Tim Stephens is attached to the Trails End's February 16, 2023 Filing. Stephens is the ranch manager of the property owned by Trails End. He and his wife have managed to the property for 26 years. It is his understanding that the practices in the past 26 years also reflects the irrigation of the property prior to 1973. Stephens provides that irrigation on the property has historically occurred between March 15 and October 30.

15. Claims 197155-00 and 41G 197156-00 received DNRC issue remarks stating:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The issue remarks have provided the necessary notice and the issue remarks should be removed.

CONCLUSIONS OF LAW

1. A properly filed claim of an existing right or an amended claim of existing right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

Trails End and BFR presented sufficient evidence to overcome the prima facie status of their claims. The evidence supports modifying their claims as requested in the Stipulation.

2. Settlement agreements are subject to review and approval of the Water Court. Rule 17(a), W.R.Adj.R. The settlement documentation in this Case should be accepted by the Court.

3. The requested splits of claims 41G 30556-00 and 41G 30566-00 does not constitute an increase to any of the claimed elements and does not require the presentation of additional evidence.

4. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. § 85-2-248(3), MCA.

The issue remarks appearing on the claims in this case are notice-only issue remarks. They do not overcome the prima facie status of the claims and should be removed from the water right abstracts.

RECOMMENDATIONS

1. The claims in this case should be modified as provided above.
2. The issue remarks should be removed from the claims in this case.
3. Claims 41G 30159531 and 41G 3015932 should be generated to represent BFR's portion of claims 41G 30556-00 and 41G 30566-00.

Post Decree Abstracts of Water Right Claims are served with the Report to confirm that the recommended modifications have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

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Note: Caption Updated 4-25-2023

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\41G PD\CASES\41G-R398\MW 41G-0398-R-2021 MR 4-25-2023 bw.docx

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30556-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: 105 TRAILS END LANE LLC
PO BOX 220
HARRISON, MT 59735 0220

Priority Date: FEBRUARY 27, 1906

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Source Type: GROUNDWATER

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Source Type: GROUNDWATER

ALSO KNOWN AS SPRING GULCH SPRING

SPRING

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	2S	2W	MADISON

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

2		N2SW	27	2S	2W	MADISON
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Source Name: UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2SW	27	2S	2W	MADISON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30561-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BFR FAMILY LIMITED PARTNERSHIP LLLP
PO BOX 456
ENNIS, MT 59729 0456

Priority Date: JULY 13, 1909

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 1.00 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 100.00

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Source Type: GROUNDWATER
ALSO KNOWN AS CRYSTAL SPRING

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESW	28	2S	2W	MADISON

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: DIKE

Period of Use: MAY 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		SESW	28	2S	2W	MADISON
2	80.00		W2SE	28	2S	2W	MADISON

Total: 100.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30564-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BFR FAMILY LIMITED PARTNERSHIP LLLP
PO BOX 456
ENNIS, MT 59729 0456

Priority Date: DECEMBER 31, 1902

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 282.74 GPM

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 128.00

Source Name: SOUTH WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	CARTER DITCH					
2		SWSWSE	21	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	BOYER DITCH					
3		NWNWSE	28	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HONSINGER DITCH					
Period of Use:	MAY 15 TO OCTOBER 15					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		NWSE	28	2S	2W	MADISON
2	3.00		NWNESE	28	2S	2W	MADISON
3	5.00		NWSWSE	28	2S	2W	MADISON

4	65.00	W2NE	28	2S	2W	MADISON
5	8.00	SWSWSE	21	2S	2W	MADISON
6	20.00	E2NESW	21	2S	2W	MADISON
7	5.00	NESESW	21	2S	2W	MADISON
Total:						
	<u>128.00</u>					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30565-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BFR FAMILY LIMITED PARTNERSHIP LLLP
PO BOX 456
ENNIS, MT 59729 0456

Priority Date: DECEMBER 31, 1887

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 2.50 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 128.00

Source Name: SOUTH WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	CARTER DITCH					
2		SWSWSE	21	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	BOYER DITCH					
3		NWNWSE	28	2S	2W	MADISON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HONSINGER DITCH					
Period of Use:	MAY 15 TO OCTOBER 15					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		NWSE	28	2S	2W	MADISON
2	3.00		NWNESE	28	2S	2W	MADISON
3	5.00		NWSWSE	28	2S	2W	MADISON

4	65.00	W2NE	28	2S	2W	MADISON
5	8.00	SWSWSE	21	2S	2W	MADISON
6	20.00	E2NESW	21	2S	2W	MADISON
7	5.00	NESESW	21	2S	2W	MADISON
Total:						
	<u>128.00</u>					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30566-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: 105 TRAILS END LANE LLC
PO BOX 220
HARRISON, MT 59735 0220

Priority Date: JULY 6, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 0.95 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 160.00

Source Name: CAMP CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	33	2S	2W	MADISON

Period of Diversion: MARCH 15 TO OCTOBER 30

Diversion Means: HEADGATE

Ditch Name: ALLEN DITCH

Period of Use: MARCH 15 TO OCTOBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		SE	28	2S	2W	MADISON
2	60.00		N2SW	27	2S	2W	MADISON
Total:	160.00						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 197155-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: 105 TRAILS END LANE LLC
PO BOX 220
HARRISON, MT 59735 0220

Priority Date: DECEMBER 31, 1875

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.25 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 219.00

Source Name: SOUTH WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	6	3S	2W	MADISON

Period of Diversion: MARCH 15 TO OCTOBER 30

Diversion Means: HEADGATE

Ditch Name: NORWEGIAN DITCH

Period of Use: MARCH 15 TO OCTOBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		S2S2SE	27	2S	2W	MADISON
2	114.00		NE	34	2S	2W	MADISON
3	80.00		SE	34	2S	2W	MADISON
4	17.00		E2SW	34	2S	2W	MADISON
Total:	219.00						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 197156-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: 105 TRAILS END LANE LLC
PO BOX 220
HARRISON, MT 59735 0220

Priority Date: DECEMBER 31, 1865

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 390.00 GPM

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 219.00

Source Name: SOUTH WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	6	3S	2W	MADISON

Period of Diversion: MARCH 15 TO OCTOBER 30

Diversion Means: HEADGATE

Ditch Name: NORWEGIAN DITCH

Period of Use: MARCH 15 TO OCTOBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00		S2S2SE	27	2S	2W	MADISON
2	114.00		NE	34	2S	2W	MADISON
3	80.00		SE	34	2S	2W	MADISON
4	17.00		E2SW	34	2S	2W	MADISON
Total:	219.00						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G

Water Right Number: 41G 30159531 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: BFR FAMILY LIMITED PARTNERSHIP LLLP
PO BOX 456
ENNIS, MT 59729 0456

Priority Date: FEBRUARY 27, 1906

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Source Type: GROUNDWATER

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	27	2S	2W	MADISON

Source Name: SPRING, UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

2		W2NE	28	2S	2W	MADISON
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Source Name: UNNAMED TRIBUTARY OF SOUTH WILLOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2NE	28	2S	2W	MADISON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30159532 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: BFR FAMILY LIMITED PARTNERSHIP LLLP
PO BOX 456
ENNIS, MT 59729 0456

Priority Date: JULY 6, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 1.55 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 260.00

Source Name: CAMP CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	28	2S	2W	MADISON

Period of Diversion: MARCH 15 TO OCTOBER 30

Diversion Means: HEADGATE

Ditch Name: CARTER DITCH

2		SWSWSE	21	2S	2W	MADISON
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Period of Diversion: MARCH 15 TO OCTOBER 30

Diversion Means: HEADGATE

Ditch Name: BOYER DITCH

WATER FROM CAMP CREEK IS CONVEYED TO SOUTH WILLOW CREEK WHICH IS USED AS A NATURAL CARRIER TO POINTS OF DIVERSION NOS 1 AND 2.

Period of Use: MARCH 15 TO OCTOBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	60.00		SE	28	2S	2W	MADISON
2	20.00		E2SWNE	28	2S	2W	MADISON
3	20.00		E2NWNE	28	2S	2W	MADISON
4	80.00		E2NE	21	2S	2W	MADISON
5	40.00		SENW	21	2S	2W	MADISON
6	20.00		E2E2SW	21	2S	2W	MADISON

7	20.00	W2W2SE	21	2S	2W	MADISON
Total:	<u>260.00</u>					